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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,193	09/08/2003	Takaaki Enomoto	117027	8381

25944 7590 03/08/2007

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EXAMINER	
NGUYEN, THU V	
ART UNIT	PAPER NUMBER
3661	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/656,193	ENOMOTO ET AL.	
	Examiner	Art Unit	
	Thu Nguyen	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) *2-7* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/31/05 & 9/8/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The response to the restriction requirement filed on September 20, 2005 is acknowledged. By this response, the species group 1 (including claim 1) has been elected with traverse. Upon considering applicant's argument, the examiner decides to maintain the restriction requirement (refer to section "response to arguments" below), accordingly, claim 1 is examined in this office action.

Information Disclosure Statement

1. The information disclosure statement filed September 8, 2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. In this particular case, document item 3 (JP A 2000 211475 with abstract) has not been provided. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

2. The abstract of the disclosure is objected to because the details disclosed in the last 6 lines "Additionally, ... temperature is high" is ambiguous and the language written thereof does not seem to conform with the English language syntax.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii (US 6,374,168) in view of Tabe (US 2004/0068354).

As per claim 1, Fuji teaches an occupant protection apparatus, the apparatus comprises: seatbelt tension changing means (col.2, lines 44-51; col.3, lines 24-25); crash predicting means for predicting a crash of the vehicle (col.4, line 35-36, lines 59-60, lines 66-67); a belt tension controlling means to increase the tension when there is the possibility of vehicle crash (col.5, lines 20-24). Fuji does not explicitly disclose separate driver and passenger seatbelt tension changing means and does not explicitly disclose that the tension applied to the driver seat is less than the tension applied to the passenger seat. However, Tabe suggests providing seatbelt tension changing means for protecting all passenger in the vehicle (para 0066). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide seatbelt tension changing means to both the driver and the passenger in the vehicle of Fujii as taught by Tabe in order to facilitate adjusting the seatbelt tension to the driver and to the passenger separately. Tabe does not explicitly disclose applying less tension to the driver seat than to the passenger seat. However, since Tabe teaches adjusting the tension depending on the weight and size of the passengers in the vehicle (para 0072, 0081), Tabe obviously encompasses

teaching applying less tension to the driver seatbelt than to the passenger seatbelt when the driver weight less than the passenger, moreover, selecting appropriate tension to the driver and passenger when collision occurs depending on the weight, the size, the position of the driver and passenger in order to minimize injuries to the driver and passenger by observation or lab experimenting data requires only routine skill in the art at the time the invention was made.

Response to Arguments

5. Applicant's election with traverse of the restriction requirement in the reply filed on September 20, 2005 is acknowledged. The traversal is on the ground(s) that claims 1-7 are related and the search for the claimed subject matter does not impose serious burden to the examiner. This is not found persuasive because 2, 4, 6, and 7 drawn to judging different characteristics in adjusting the seat belt tension, the search for the claims requires different search criteria and this impose serious burden to the examiner if all the claims were examined.

The requirement is still deemed proper and is therefore made FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 26, 2005

THU V. NGUYEN
PRIMARY EXAMINER